

REMARKS

Claims 68, 122-136 and new claim 137 are now pending in this application. Support for new claim 137 is found on page 10, lines 13-14 and 19-21. Method claims 74, 80, 81, 87, 93, 99 and 110-121 are canceled and will be presented in another application. In canceling these claims, Applicants do not concede the rejections under 35 USC § 112, first paragraph have merit.

The pending claims have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting in view of claims within copending applications 09/889227, 10/361,858, 10/895,985; 10/848,567 and 10/071248. Procedures for maintaining “provisional” obviousness type double patenting rejections between copending applications are addressed in MPEP 804 (I)(B), relevant portions of which read as follows:

The “provisional” double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that “provisional” double patenting rejection is the only rejection remaining in one of the applications. If the “provisional” double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the “provisional” double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent.

Applicants submit that the “provisional” double patenting rejection of claims 68 and 122-136 should be withdrawn and these claims should be permitted to issue consistent with MPEP 804(I)(B).

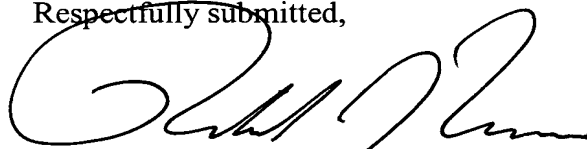
Information Disclosure Statement

An information disclosure statement will be submitted on or before October 28, 2005. New copending applications assigned to the same assignee as the present invention, which were not cited earlier, are listed in this Information Disclosure Statement.

In view of the above remarks, favorable reconsideration is courteously requested. If there are any remaining issues, which can be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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